

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-19 are pending and stand rejected. Claims 1, 8, 15 and 17 have been amended. Claim 20 has been added.

Claims 1, 6-8 and 14-16 stand rejected under 35 U.S.C. §103(a) over Sipola (WO 0045543).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, the independent claims 1, 8, 15 and 17 have been amended to recite that the packets "include[e] a sequence identifier." No new matter has been added. Support for the amendment may be found at least on page 6, lines 13-15, which state "[t]o facilitate decoding ... a packet that is transmitted ... includes indications of the sequence number or packet number."

Sipola, as read by applicant, discloses an incremental redundancy communication method and system wherein each data block includes an indicator indicating whether a datablock is an original transmission or a retransmission. When the receiver detects a block received with an error, the receiver sends a request back to the transmitter, which re-transmits the data block with the indicator set to indicate retransmitted block and an extra header, wherein the "extra header representing a reference to a physical location of an earlier transmission of the block in a sequence of transmitted blocks." (see Abstract).

Accordingly, Sipola describes a system where in the case of a retransmission the transmitter provides an **extra** header to include a reference to the physical location to identify the block. This extra header information provides the receiver with the information needed to appropriately apply the received data in the sequence of datablocks. Hence, Sipola fails to describe a system wherein the datablocks include a sequence identifier as the datablocks in Sipola are referred to by their physical location in the sequence.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Sipola cannot be said to anticipate the present invention, because Sipola fails to disclose each and every element recited

At least for this reason, applicant submits that the rejection of the claim has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. Thus, for the amendments made to these claims, which are similar to the amendments made with regard to claim 1 and for the remarks made in response to the rejection of claim 1, which are also applicable in response to the rejection of these claims, and reasserted, as if in full, herein, applicant submits that the reason for rejecting these claims have been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard the remaining claims these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Accordingly, applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 2-5 and 11-13 stand rejected under 35 U.S.C. §103(a) over Sipola as applied to claims 1-8 and further in view of Choi et al. ("A Class of Adaptive Hybrid ARQ Schemes for Wireless Links" IEEE, Vol. 50, No. 3, May 2001).

Applicant respectfully disagrees with, and explicitly traverses, the reason for the rejection.

Applicant respectfully submits that all of the above claims are believed to be allowable at least for their respective dependence from one of claims 1 or 8, which have been shown to include subject matter not disclosed by Sipola. The addition of the Choi article to the teachings of Sipola, as a combination, fails even to render the base claims unpatentable, let alone the dependent claims as alleged in view of the combination. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 17-19 and 9-10 stand rejected under 35 U.S.C. §103(a) over Sipola as applied to claims 1, 8 and 15 above, and further in view of Kwon et al. (U.S. 6,594,262 herein after “Kwon”).

Applicant respectfully disagrees with, and explicitly traverses, the reason for the rejection.

Applicant respectfully submits that all of the above claims are believed to be allowable at least for their dependence from one of claims 1, 8 or 15 which have been shown to include subject matter not disclosed by Sipola. The addition of the teachings of Kwon to those of Sipola, as a combination, fails even to render the base claims unpatentable. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all of the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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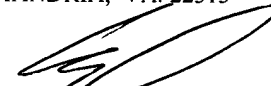
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